IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4078 OF 2007

Pragatipath Educational Foundation & Anr..... .....
Petitioners
V/s
Rashtriya Mazdoor Sanghatna (INTUC) & Anr... .....
Respondents.

Mr.Sudhir Talsania, Sr. Adv. With Mrs.Sarika Deshpande i/by Harish Mehta & Co., Adv. for the petitioners.

Mr.Nitin Kulkarni, Adv. For respondents.

CORAM: A.P. DESHPANDE, J.
4.6.2007

PC:

The respondent-Rashtriya Mazdoor Sanghatna has moved the Industrial Court by filing a complaint ULP and claimed permanency in service. In the said complaint an application was moved by the respondent-complainant under section 30 sub-section 2 of the MRTU & PULP Act. The Industrial Court has restrained the present petitioner/employer from discontinuing the services of the employees till decision of the complaint. It is this interlocutory dated 27.4.2007 passed by the Member, Industrial Court which is challenged in the present writ petition. The learned counsel appearing for the petitioner submit that it is an education trust which administers a school and the petitioner has now taken a decision not to provide transport facilities to the student and thus there is no need to engage the transport staff including drivers, cleaners etc. In view of this changed

position the petitioner does not press this petition and seeks permission to approach the Industrial Court by making suitable application in that behalf. The learned counsel for the petitioner apprehends initiation of execution proceedings for implementation of interlocutory order dated 27.4.07 even before the petitioner approaches the Industrial Court.

2. In all fairness learned counsel for the respondent submits that for a period of four weeks, respondent will not take any steps with a view to execute order dated 27.4.07. In this view of the matter writ petition is dismissed as not pressed with liberty to the petitioner to approach in the Industrial Court by making an appropriate application. Petitioner shall file the application within a period of two weeks from today and the respondent shall not initiate proceedings for execution of order dated 27.4.07 for a period of four weeks. I hope and trust that the Industrial Court will proceed expeditiously to decide the application which the petitioner proposes to file.

4.6.07.